



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Economic Services Administration

Subject of possible rule making: The department may amend WAC 388-400-0047 and other related rules as may be required to provide a small energy assistance payment to certain Basic Food households who are not eligible for a Standard Utility Allowance income deduction.

Statutes authorizing the agency to adopt rules on this subject: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.04.515, RCW 74.08.090, RCW 74.04.500, RCW 74.08A.010, RCW 74.08A.903; Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by PL 113-79.

Reasons why rules on this subject may be needed and what they might accomplish:

Changes proposed under this filing will be to provide an energy assistance payment to select Basic Food, Washington Combined Application Project (WASHCAP), and Food Assistance Program (FAP) for legal immigrants households who are not eligible for the Standard Utility Allowance income deduction for SNAP, and do not receive the maximum monthly benefit for Basic Food or FAP. These changes will be proposed only if the department's federally-required review of benefit cost neutrality for WASHCAP shows the WASHCAP program as more costly than what the same households would receive under SNAP, and that providing a heat and eat benefit would restore cost neutrality.

The Agricultural Act of 2014, Public Law 113-79, increased the amount of energy assistance through the Low Income Home Energy Assistance Program a SNAP household must receive in order for the household to be eligible for the standard utility allowance.

Changes proposed under this filing are expected to impact benefits for certain households receiving the Washington Basic Food program, Washington Combined Application Project (WASHCAP), and the state-funded Food Assistance Program (FAP) for legal immigrants. Under RCW 74.08A.120, rules for FAP shall follow exactly the rules of the federal food stamp program (SNAP) except for the provisions pertaining to immigrant status.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act as amended and codified in the Code of Federal Regulations. DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for food assistance administered as the Washington Basic Food Program, the Washington Combined Application Program (WASHCAP), and Transitional Food Assistance.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact: Holly St. John, Program Manager

Economic Services Administration, Community Services Division

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DATE

February 2, 2016

NAME (TYPE OR PRINT)

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SIGNATURE

TITLE

DSHS Rules Coordinator

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